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DEPARTMENT OF STATE

March 22, 1968

TO : [illegible]

THRU : [illegible]

FROM : L - [illegible]

SUBJECT : Meeting with Israeli Ambassador
10:30 a.m., March 25, 1968; Liberty claims
INFORMATION MEMORANDUM

Ambassador Rabin of Israel and David Ginsburg, a Washington lawyer who represents the Israeli Embassy, have asked to discuss the U.S.S. Liberty claims with you at 10:30 a.m. on March 25, 1968. Ernest Korley, Assistant Legal Adviser for International Claims, an NEA representative and I plan to attend the meeting.

Background:

On December 29, 1967, our Embassy in Tel Aviv presented to the Ministry for Foreign Affairs thirty-four claims on behalf of the families of the men who were killed in the Israeli attack against the U.S.S. Liberty on June 8, 1967. The amounts claimed total approximately $3.3 million. Our note presenting the claims stated: "In view of the substantial economic hardship suffered by these claimants, the United States Government trusts that the Government of Israel will expeditiously and pay these claims."

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Israeli Position:

Embassy Tel Aviv was [illegible] recently by the Ministry for Foreign Affairs that the Israeli [illegible] being instructed to "[illegible]" on the claims and added that [illegible] "which were [illegible] was not [illegible] only [illegible] 2912, March 15, 19[illegible]. (In A) [illegible] Israeli representatives [illegible] to engage in a detailed review of the [illegible] each claim, perhaps challenging the [illegible] evidence wherever possible, (2) to [illegible] amounts of compensation claimed, and (3) to insist that all other categories of claims be presented before the Government of Israel determines its position with death claims.

United States Position:

Obviously, we will have to answer any legitimate questions the Israelis raise about the death claims, but we clearly do not want to encourage a protracted nit-picking and haggling exercise. An extended "negotiation" over the death claims would result in considerable delay and added hardship for the claimants and would, we think, be severely criticized in Congress. We should again urge the Israelis to proceed expeditiously with payment of the death claims without waiting for the others to be presented.

Supporting evidence:

The thirty-four death claims presented to the Government of Israel stated the basic elements of the claims (nationality of deceased; name, nationality and relationship of claimants; and losses for which compensation was

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claims) but were not accompanied by supporting documentary evidence. We have evidence in the files supporting a substantial part of the claims, although in some instances the evidence is not in the form normally used in international claims. For instance, nationality of the claimants is established by affidavit rather than by birth certificate. In view of the number of claims, strict adherence to the usual procedures would have delayed unduly the preparation of the claims. We could go through the files with the Israeli representatives, briefly reviewing the supporting evidence, in a few hours. Detailed perusal of all the evidence, accompanied by quibbling over the "best evidence" rule, could result in months of delay while evidence in the customary form was obtained.

Other categories of claims:

The death claims were presented first because genuine financial hardship, arising from loss of support, exists in some cases. We have asked the Government of Israel to process and pay these claims expeditiously for this reason. A really substantial delay would occur if the death claims were not paid until other categories of claims were presented. In the personal injury claims, we may not have the information needed to compute compensation in the more serious cases for a number of months more. In some cases the seriously injured claimants are still under treatment; in others they have been returned to limited duty pending Medical Evaluation Board proceedings at a later date. The nature and extent of permanent impairment, which would be the major element of compensation claimed, is not ascertainable now. For the same reason, the costs of medical treatment are not yet established.

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We do have the [illegible] property damage to the Liberty and its equipment ([illegible]). But we have held up payment of this claim in the hope that the death claims could be settled first.

Congressional Interest:

We have noticed a recent increase in Congressional interest in the Liberty case and each week receive several inquiries from Capitol Hill as to the status of the claims. Senator Fulbright and Senator Hickenlooper have both expressed their interest in the Department's handling of the Liberty incident.

Concurrence: NEA/IAI - Mr. Atherton

Attachment:

Tab A. Copy, Tel Aviv 2917, March 15, 1968.

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PS 8-4 US-ISR

Department of State TELEGRAM

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ACTION L 03

INFO NEA 13,GPM 03,CIAE 00,INR 07,NSAE 00,RSC 01,DODE 00,RSR 01 /028

R 151340Z MAR 68
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 3436

LIMITED OFFICIAL USE TEL AVIV 2912

USS LIBERTY CLAIMS

REF: TEL AVIV 2796 PS 8-4 US-ISR

1. EMBASSY TODAY RECEIVED NOTE DATED MARCH 7 FROM MINFOR AFFAIRS REPLYING TO EMBASSY'S NOTE OF DECEMBER 27, 1967 CONCERNING USS LIBERTY CLAIMS. HEREWITH VERBATIM TEXT OPERATIVE SECTION: QUOTE THE MINISTRY IS PLEASED TO ADVISE THE EMBASSY THAT, FOLLOWING THE INITIAL EXAMINATION OF THE CLAIMS CONTAINED IN THE SERIES OF NOTES FORWARDED SIMULTANEOUSLY

PAGE 2 RUQMVL 2912 C O N F I D E N T I A L LIMITED OFFICIAL USE
WITH THE ABOVE-MENTIONED NOTE, AND WHILST RESERVING FULLY THE GOVERNMENT OF ISRAEL'S LEGAL POSITION, THE EMBASSY OF ISRAEL IN WASHINGTON IS NOW BEING INSTRUCTED TO OPEN TALKS ON THE SUBJECT WITH THE COMPETENT UNITED STATES AUTHORITIES. THE EXAMINATION OF THE CLAIMS SO FAR ENTAILED CONSIDERABLE DIFFICULTIES WHICH WERE DUE TO THE FACT THAT THE INFORMATION SUPPLIED WAS NOT ENTIRELY COMPLETE AND, IN PARTICULAR, BECAUSE ONLY ONE CATEGORY OF CLAIMS WAS SUBMITTED. UNQUOTE

2. NOTE ITSELF FOLLOWS UNDER COVER OF AIRGRAM.

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